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MINISTRY OF LAW
(Legislative Department)

New Delhi, the 23rd March, 1964/Chaitra 3, 1886 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL BOARDS) AMENDMENT REGULATION, 1964

No. 1 OF 1964

Promulgated by the President in the Fifteenth Year of the
Republic of India.

A Regulation further to amend the Andaman and Nicobar
Islands (Municipal Boards) Regulation, 1957.

In exercise of the powers conferred by article 240 of the
Constitution, the President is pleased to promulgate the following
Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Municipal Boards) Amendment Regulation, 1964.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 9 of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 (hereinafter referred to as the principal Regulation),—

Amend-
ment of
section 9.

(a) in sub-section (1), for the words “three years”, the words
“four years” shall be substituted;

(b) to sub-section (1) as so amended, the following proviso
shall be added at the end, namely:—

“Provided that an elected or nominated member holding
office at the commencement of the Andaman and Nicobar

Islands (Municipal Boards) Amendment Regulation, 1964, shall retain such office for a further period of one year from the date on which, but for this proviso, he would have ceased to hold the office.”;

(c) after sub-section (1) as so amended, the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the Chief Commissioner may, if he is satisfied that in order to avoid administrative difficulty it is necessary to do so, by notification extend the term of office of the members as a whole by such period or periods, not exceeding one year in the aggregate, as may be specified in the notification.”.

Amendment of section 15. 3. In section 15 of the principal Regulation, in sub-section (1), the words, brackets and figure “sub-section (1) of” shall be omitted.

Amendment of section 16. 4. In section 16 of the principal Regulation, in sub-section (1), the words, brackets and figure “sub-section (1) of” shall be omitted.

Insertion of new section 27A. 5. After section 27 of the principal Regulation, in Chapter III, the following section shall be inserted, namely:—

Penalty for acquisition by municipal officer or servant of interest in contract or work. “27A. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any share or interest in any work done for the Board, or in any contract or employment with, by, or on behalf of, the Board, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

45 of 1900.

Provided that no person shall, by reason of being a shareholder in, or a member of, any company, be held to be interested in any contract entered into between such company and the Board.”.

Amendment of section 29. 6. In section 29 of the principal Regulation, in clause (ii) of the first proviso to sub-section (2), the words “and illegal” shall be omitted.

Amendment of Section 30. 7. In section 30 of the principal Regulation, in sub-section (1),—
(i) in clause (c), the words “to whipping or” shall be omitted;
(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) if he has, directly or indirectly, any share or interest in any work done for the Board, or in any contract or employment, with, by, or on behalf of, the Board:

Provided that no person shall be deemed to have a share-

or interest in any such work, contract or employment by reason only of his—

(i) having a share in any company or firm which may contract with or be employed by or on behalf of the Board, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(iii) having a share or interest in any lease, sale, exchange or purchase of immovable property or any agreement for the same, or

(iv) having a share or interest in the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades;”.

8. In section 31 of the principal Regulation, in clause (a) of sub-section (1), the words “or illegal” shall be omitted. Amendment of section 31.

9. In section 32 of the principal Regulation,—

(a) in sub-section (1), the brackets and figure “(1)” shall be omitted, and in clause (v), for the words and figures “sections 123 and 124”, the word and figures “section 123” shall be substituted; Amendment of section 32.

(b) sub-section (2) shall be omitted.

10. In section 37 of the principal Regulation, in sub-section (1), the words “or illegal” shall be omitted. Amendment of section 37.

11. In section 38 of the principal Regulation, the words “or illegal” shall be omitted. Amendment of section 38.

12. In section 54 of the principal Regulation, in sub-section (1), after the words “delegate to one or more of its members”, the words “or to the Secretary of the Board” shall be inserted. Amendment of section 54.

13. In section 55 of the principal Regulation, in the proviso to sub-section (1), after the words “or signatures of the member or members”, the words “or the signature of the Secretary” shall be inserted. Amendment of section 55.

14. In section 71 of the principal Regulation, for clause (i) of sub-section (5), the following clause shall be substituted, namely:— Amendment of section 71.

“(i) give his approval to the resolution after making any change in its form which appears to him to be necessary; or”.

Omission
of section
187.

15. Section 187 of the principal Regulation shall be omitted.

Amend-
ment of
section
188.

16. In section 188 of the principal Regulation, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every case in which the powers conferred by this section are exercised by the Deputy Commissioner shall be forthwith reported by him to the Chief Commissioner, with the reasons in full for the exercise of such powers, and a copy of the report shall at the same time be sent to the Board for information.”.

Amend-
ment of
section
190.

17. In section 190 of the principal Regulation, the words and figures “section 187 or” shall be omitted.

Insertion
of new
section
191 A.

18. After section 191 of the principal Regulation, the following section shall be inserted, namely:—

Power to
suspend or
cancel re-
solutions,
etc

“191A. The Chief Commissioner may, by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Regulation, if, in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Regulation or any other law, or

(c) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that the Chief Commissioner shall before taking action under this section on any of the grounds referred to in clauses (a) and (b) give the authority or person concerned an opportunity for explanation.”.

19. In section 195 of the principal Regulation, after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-
ment of
section
195.

“(3A) The Chief Commissioner may, in confirming a bye-law, make any change in its form which appears to him to be necessary.”.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

